

Arlington Conservation Commission

Executive Session Minutes

February 2, 2017

Executive Session – Active Litigation: Seaver Construction Co. v. Arlington Conservation Commission, Middlesex Sup. Ct. Civ. A. No. 1681CV03021 for 12 Clyde Terrace

Mr. Doug Heim, Arlington Town Counsel, joined Commission members present in the second floor conference room of the Town Hall Annex.

DWhite/JWhite moved to go into executive session (closed session) to discuss pending litigation for 12 Clyde Terrace. There followed a roll call vote:

Nathaniel Stevens – yea

Mike Nonni – yea

Charles Tirone – yea

Susan Chapnick – yea

David White - yea and

Janine White – yea. Motion passed unanimously.

Also present was non-voting Associate Member Eileen Coleman.

Doug Heim provided background on the project for which a permit was denied by the Commission. Mr. Heim had a discussion with Matt Watsky, Counsel for Seaver, who had asked if Seaver could provide a barrier between the property and the wetland or provide restoration to wetland. He intimated they might be willing to move the house but not all the way back to the 50-foot buffer.

Mr. Heim asserted that the Conservation Commission has the higher ground in terms of nuanced legal argument, Seaver has the commonsense argument.

Nathaniel Stevens mentioned his experience of similar cases in Easton.

Precedence: Doug Heim thinks the Conservation Commission should argue the case in which the Commission is in the strongest position. There is not yet a case filed for 47 Spy Pond, the project in which the Commission has a stronger position.

Discussion regarding what the Conservation Commission would ask for elicited the following list:

remove the white pines,
provide more native plantings;

reduce project footprint - move the house back 5 feet further from the wetland;
wetland mitigation to clean-up debris and manage invasive plants in town-owned wetlands over 3 years;
replace deck with patio of pervious pavers and plantings;
no sheds and plans for all future buildings must go before the Conservation Commission;
mark the boundary of the wetland.

S. Chapnick/D. White motioned that Nathaniel Stevens and Mike Nonni will work with Doug Heim to flesh out the details of this proposal:

Nathaniel Stevens – yea

Mike Nonni – yea

Susan Chapnick – yea

David White - yea

Charles Tirone – yea and

Janine White – yea. Motion passed unanimously.

S. Chapnick/D. White motioned that Doug Heim will represent the Conservation Commission:

Nathaniel Stevens – yea

Mike Nonni – yea

Susan Chapnick – yea

David White - yea

Charles Tirone – yea and

Janine White – yea. Motion passed unanimously.

D. White/C. Tirone motioned to go back into open session. Roll call vote ensued:

Nathaniel Stevens – yea

Mike Nonni – yea

Charles Tirone – yea

David White - yea

Susan Chapnick – yea and

Janine White – yea. Motion passed unanimously.

Meeting adjourned at 9pm.

Respectfully submitted,

Eileen Coleman, Associate Commissioner